

# **EXHIBIT 5**

**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

**(b)** County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |                             |                                                              |
|-----------------------------|--------------------------------------------------------------|
| 1 U.S. Government Plaintiff | 3 Federal Question<br>(U.S. Government Not a Party)          |
| 2 U.S. Government Defendant | 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
Citizen of This State	1	Incorporated or Principal Place of Business In This State	4
Citizen of Another State	2	Incorporated and Principal Place of Business In Another State	5
Citizen or Subject of a Foreign Country	3	Foreign Nation	6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	422 Appeal 28 USC § 158	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC § 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	340 Marine	345 Marine Product Liability		430 Banks and Banking
151 Medicare Act	350 Motor Vehicle	355 Motor Vehicle Product Liability		450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	360 Other Personal Injury	368 Asbestos Personal Injury Product Liability		460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	362 Personal Injury -Medical Malpractice	370 Other Fraud		470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits		371 Truth in Lending		480 Consumer Credit
190 Other Contract		380 Other Personal Property Damage		485 Telephone Consumer Protection Act
195 Contract Product Liability		385 Property Damage Product Liability		490 Cable/Sat TV
196 Franchise	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		850 Securities/Commodities/ Exchange
<b>REAL PROPERTY</b>	440 Other Civil Rights	<b>HABEAS CORPUS</b>		890 Other Statutory Actions
210 Land Condemnation	441 Voting	463 Alien Detainee		891 Agricultural Acts
220 Foreclosure	442 Employment	510 Motions to Vacate Sentence		893 Environmental Matters
230 Rent Lease & Ejectment	443 Housing/ Accommodations	530 General		895 Freedom of Information Act
240 Torts to Land	445 Amer. w/Disabilities– Employment	535 Death Penalty		896 Arbitration
245 Tort Product Liability	446 Amer. w/Disabilities–Other	<b>OTHER</b>		899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	448 Education	540 Mandamus & Other		950 Constitutionality of State Statutes
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

- |                       |                            |                                 |                          |                                               |                                     |                                        |
|-----------------------|----------------------------|---------------------------------|--------------------------|-----------------------------------------------|-------------------------------------|----------------------------------------|
| 1 Original Proceeding | 2 Removed from State Court | 3 Remanded from Appellate Court | 4 Reinstated or Reopened | 5 Transferred from Another District (specify) | 6 Multidistrict Litigation–Transfer | 8 Multidistrict Litigation–Direct File |
|-----------------------|----------------------------|---------------------------------|--------------------------|-----------------------------------------------|-------------------------------------|----------------------------------------|

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. **DEMAND \$** CHECK YES only if demanded in complaint:  
**JURY DEMAND:** Yes No**VIII. RELATED CASE(S), IF ANY** (See instructions): JUDGE DOCKET NUMBER**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**  
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE

SIGNATURE OF ATTORNEY OF RECORD